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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.672 OF 2005

Phulchand Narhari Vedpathak Appellant
versus
Bank of Maharashtra & others Respondents

Mr.Macchindra Deshmukh i/by Milind Deshmukh for appellant.

CORAM : A.P.DESHPANDE, J.

DATE : 12TH JULY 2007

PC :

1. The present appeal has been filed on 26th July 2002 whereas Section 102 of the Code of Civil Procedure, 1908 has been amended w.e.f. 1st July 2002. Thus, the present appeal is required to be considered having regard to the amendment effected in 2002.

2. No Second appeal is maintainable when the subject matter of the original suit is for recovery of money not exceeding Rs.25,000/-. In the present case, the suit was instituted for a sum of Rs.7,675=90 Ps.. Hence, the Second appeal does not lie.

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3. Even otherwise, the appellant has taken a loan from the respondent bank and having failed to repay the same, the suit was instituted by the bank against the appellant as borrower and defendant nos.2 and 3 as guarantors. The Trial Court has decreed the suit and the First Appellate court has taken a concurrent view with the Trial Court.

4. Perused the judgment. No substantial question of law emerges for consideration. Hence, even on merits also, the Second Appeal is liable to be dismissed. The second appeal is accordingly dismissed summarily.

(A.P.DESHPANDE, J.)